

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Passed by the House on May 2, 2007: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate on May 21, 2007: Yeas 31, Nays 0.

Approved June 15, 2007.

Effective June 15, 2007.

CHAPTER 767

H.B. No. 3518

AN ACT

relating to the extension of, addition to, or modification of existing restrictive covenants in certain residential subdivisions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 204.003, Property Code, is amended to read as follows:

Sec. 204.003. PROVISIONS OF RESTRICTIVE COVENANTS PREVAIL IN CERTAIN CIRCUMSTANCES. (a) An express designation in a document creating restrictions applicable to a residential real estate subdivision that provides for the extension of, addition to, or modification of existing restrictions by a designated number of owners of real property in the subdivision prevails over the provisions of this chapter.

(b) *Notwithstanding Subsection (a), for a residential subdivision described by Subsection (c), the provisions of this chapter prevail over an express designation in a document described by Subsection (a) if:*

(1) *the designated number of owners of real property in the subdivision required for approval of an extension of, addition to, or modification of the document is more than 75 percent; or*

(2) *the designation prohibits the extension of, addition to, or modification of an existing restriction for a certain time period and that time period has not expired.*

(c) *Subsection (b) applies to a residential subdivision that is located in a county described by Section 204.002(a)(3) other than a gated community with private streets.*

SECTION 2. This Act takes effect only if Senate Bill 979, Acts of the 80th Legislature, Regular Session, 2007, does not become law. If that bill becomes law, this Act has no effect.

SECTION 3. This Act takes effect September 1, 2007.

Passed by the House on May 4, 2007: Yeas 144, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 3518 on May 25, 2007: Yeas 138, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2007: Yeas 30, Nays 0.

Approved June 15, 2007.

Effective September 1, 2007.

CHAPTER 768

H.B. No. 3537

AN ACT

relating to the adoption of a child by a person serving in the military.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 162, Family Code, is amended by adding Section 162.0025 to read as follows:

Sec. 162.0025. ADOPTION SOUGHT BY MILITARY SERVICE MEMBER. In a suit for adoption, the fact that a petitioner is a member of the armed forces of the United States, a member of the Texas National Guard or the National Guard of another state, or a member of a reserve component of the armed forces of the United States may not be considered by the court, or any person performing a social study or home screening, as a negative factor in determining whether the adoption is in the best interest of the child or whether the petitioner would be a suitable parent.

SECTION 2. The change in law made by this Act applies to a petition for adoption pending in a trial court on the effective date of this Act or filed on or after that date.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Passed by the House on May 8, 2007: Yeas 146, Nays 0, 2 present, not voting; passed by the Senate on May 21, 2007: Yeas 31, Nays 0.

Approved June 15, 2007.

Effective June 15, 2007.

CHAPTER 769

H.B. No. 3558

AN ACT

relating to the issuance of warrants to certain persons for fire, health, and code inspections.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Articles 18.05(a) and (d), Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection (e) of this article, a search warrant may be issued to a ~~the~~ fire marshal, health officer, or code enforcement official of the state or of any county, city, or other political subdivision for the purpose of allowing the inspection of any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.

(d) Each city or county may designate one or more code enforcement officials ~~official~~ for the purpose of being issued a search warrant as authorized by Subsection (a) of this article. A political subdivision other than a city or county may designate *not more than* one code enforcement official for the purpose of being issued a search warrant as authorized by Subsection (a) of this article only if the political subdivision routinely inspects premises to determine whether there is a fire or health hazard or unsafe building condition or a violation of fire, health, or building regulation, statute, or ordinance.

SECTION 2. The change in law made by this Act applies only to a warrant issued on or after the effective date of this Act. A warrant issued before the effective date of this Act is governed by the law in effect when the warrant was issued, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2007.

Passed by the House on May 4, 2007: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate on May 23, 2007: Yeas 31, Nays 0.

Approved June 15, 2007.

Effective September 1, 2007.